Supreme Court, U. S.
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CLERK

APPENDIX

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1974

No. 73-1496

DANIEL CHAPMAN and NICOLE STOCKMAN,
Appellants,

v.

BEN HOEH, Secretary of State for the
State of North Dakota,
Appellee.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

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LIST OF RELEVANT DOCKET ENTRIES

Date	Filings—Proceedings
1971	
Nov. 15	Complaint, Filed
Dec. 1	Answer, Filed
1972	
May 8	Amended Complaint, Filed Pursuant to Direction of the Court
May 10	Answer to Amended Complaint, Filed
May 15	Designation of Three-Judge Court by M. C. Matthes, Chief Judge of the Eighth Circuit, Designating the Honorable Paul Benson, Honorable Bruce M. Van Sickle, and Honorable Myron H. Bright as Members of the Three-Judge Court, Filed
May 22	Order, Filed (printed at pages A-54 through A-56 of Jurisdictional Statement)
June 30	Memorandum Opinion and Order Signed by Circuit Judge Myron H. Bright and District Judge Bruce M. Van Sickle, Filed (printed at pages A-57 through A-65 of Jurisdictional Statement)
	Dissenting Opinion by Chief Judge Paul Benson (printed at pages A-66 through A-67 of Jurisdictional Statement)
	Appendix "A" (Dobson Plan) and Appendix "B" (Ostenson Plan) to Memorandum Opinion and Order

Oct. 30 Motion by Defendant to Stay Further Proceedings Until Conclusion of 43rd Session of North Dakota Legislative Assembly

Nov. 8 Order Staying Further Proceedings

1973

Mar. 30 Return to and Compliance with Order of Court of November 8, 1972, Submitted by Defendant

Motion to Dismiss by Defendant

Apr. 3 Return to Motion to Dismiss by Plaintiffs, Together with Motion to Stay All Proceedings by Plaintiff

May 25 Order of Three-Judge Court Staying All Proceedings

Dec. 26 Motion by Defendant to Re-Adopt Court-Fashioned Plan, Together with Certificates of Ben Meier, Secretary of State Relating to December 4, 1973 Election, Certificate of Auditor of Ward County, and Certificate of Auditor of Grand Forks County

Dec. 28 Return to Motion by Plaintiffs, Together with Motion by Plaintiffs for Order Directing the Adoption of a Permanent Apportionment Plan for the North Dakota Legislature in Accordance with the Memorandum Opinion by the Court Dated June 29, 1972

1974

Jan. 14 All of the Following Documents Filed on Behalf of Secretary of State for the State of North Dakota:

1. Minutes of Committee on Reapportionment Dated September 18, 1972, October 11 and 12, 1972, November 8 and 9, 1972, and November 28 and 29, 1972.

2. Report of Special Committee on Reapportionment. Together with Legislative Council Reapportionment Plan Adopted by the Committee on Reapportionment (pages 135-138).

3. Memorandum on the Legal Aspects of Redistricting, Together with a Map Showing the Population per Census Enumeration Districts and a Computation of Number of State Senators per Population per District.

4. One Copy of the Governor's Message to the 43rd Legislative Assembly and a copy of page 4 of said Message which pertains to Reapportionment.

Jan. 30 Memorandum Opinion and Order by District Judges Paul Benson and Bruce M. Van Sickle that the Dobson Plan as Appendix "A" is Adopted as the Permanent Plan for Reapportionment for the State of North Dakota, Together with Dissenting Opinion by Judge Myron H. Bright (the Opinion by Judge Benson and Judge Van Sickle, together with the Dissent by Judge Bright are printed at pages A-2 through A-53 of Jurisdictional Statement)
Judgment Entered and Filed

Feb. 27 Notice of Appeal to the United States Supreme Court by Plaintiff from the Final Judgment and Order Entered on January 20, 1974 (Notice of Appeal printed at pages A-68 through A-69 of Jurisdictional Statement)

Mar. 4 Admission of Service of Notice of Appeal on Behalf of Appellee

Mar. 28 Copies of Following Apportionment Plans Filed by Chief Judge Paul Benson:

1. Moore Plan, No. 1 and No. 2.
2. Moore Plan, No. 3.
3. Addendum to the "Smith Plan" of Legislative Redistricting.
4. Ostenson Plan.
5. Air Base Legislative Redistricting.
6. Dobson Plan.

May 6 Certified Copy of Order of Supreme Court of the United States Noting Probable Jurisdiction.

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

DANIEL CHAPMAN and JACQUE STOCKMAN,
Plaintiffs,
vs.
BEN MEIER, Secretary of State for the State of North Dakota,
Defendant.
Civil No. 4664

AMENDED COMPLAINT

(Filed May 8, 1972)

The plaintiffs, for their complaint, allege:

I

Federal jurisdiction is based upon the Fourteenth Amendment of the Constitution of the United States of America, and upon

28 United States Code, Sections 1331, 1343 and 2281. It is further alleged that the amount in controversy herein exceeds the sum of $10,000.00 exclusive of interest and costs.

II

The plaintiff, Daniel Chapman, is a citizen of North Dakota and a resident of Bismarck, North Dakota. The plaintiff, Daniel Chapman, is a qualified elector and exercises his franchise within the Thirty-second Legislative District as established by the United States District Court for the District of North Dakota. The plaintiff, Jacque Stockman, is a citizen of North Dakota and a resident of Fargo, North Dakota. The plaintiff, Jacque Stockman, is a qualified elector and exercises his franchise within the Twenty-first Legislative District as established by the United States District Court for the District of North Dakota.

III

The defendant, Ben Meier, is the duly elected and acting Secretary of State for the State of North Dakota. As such, the defendant is responsible for administering the election laws of the State of North Dakota including the certification of candidates for election to the North Dakota State Legislative Assembly, all as set out under Chapter 16-05 of the North Dakota Century Code and other pertinent statutes and laws of the State of North Dakota.

IV

On August 10, 1965, United States District Court for the District of North Dakota, issued its order establishing an apportionment plan for the North Dakota Legislative Assembly meeting the requirements of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States